

## REMARKS

Claim 14 is being cancelled and thus claims 1-4, 6-12, 15, 19 and 20 are submitted for reconsideration.

The Applicant and Applicant's representative sincerely appreciate the interview conducted on July 27, 2004. An Examiner interview summary has been entered in the file, which the Applicant agrees reflects discussions at the interview.

The 2000 bar limitation has been deleted from claim 1 to advance prosecution by eliminating the 112, first paragraph, issue. The new language being added to claim 1 is clearly supported by the as-filed application, for example, in the fourth full paragraph of page 5.

The prior art clearly does not disclose the invention of amended claim 1.

Goodman discloses an evacuated semiconductor wafer container 10 that may be evacuated, or "a portion of the gas within the [container 10] may be removed and then subsequently replaced with an inert gas..." (col. 2, lines 41-62). Goodman does not teach, suggest, or disclose that the container 10 is configured for holding a water-containing specimen during high-pressure freezing of the specimen, nor does the Examiner provide any reason or suggestion as to how or why one of ordinary skill in the art would have used the container of Goodman for holding a water-containing specimen during high-pressure freezing of the specimen.

The container 10 of Goodman is simply incapable of high-pressure freezing. The walls of the container 10 are formed of a moldable plastic (col. 2, lines 30-32). In particular, the cover 12 has a thin panel portion 27 such that its thinness "causes the panel to act like a flexible membrane so as to flex under conditions of vacuum pressure..." (col. 3, lines 14-28). The walls of the cover 12 may have a thickness in the range of 0.050 to 0.075 inches and the panel portion 27 may have a thickness in the range of 0.010 to 0.040 inches (col. 3, lines 28-35). Clearly, at any pressure substantially greater than standard pressure, the container will

either rupture at the panel portion 27 or blow open via joining edge portions 11.1, 12.1 (Figs. 1 and 6).

Kim discloses a segmented multi-purpose portable container for storing small miscellaneous articles, such as toothbrushes, combs, and toothpaste (col. 3, lines 28-31). Thus, like Goodman, Kim does not teach, suggest, or disclose a specimen holder configured for holding a water-containing biological specimen during high-pressure freezing of the specimen.

Linner shares the same deficiencies as Goodman and Kim. Like those two references, Linner does not teach, suggest, or disclose high-pressure freezing. Rather, Linner discloses a “cryo-slammer” in which a biological sample is slammed or plunged against a cryogenically cooled surface, wherein a shutter 65 is opened when the pressure inside a vacuum chamber 21 reaches atmospheric pressure (Abstract, Fig. 14, and col. 16, lines 8-61). Further, like the containers of Goodman and Kim, which are not configured to contain a high pressure, it is clear that the shutter 65 of Linner would blow off if a high pressure were applied to the inside of the vacuum chamber 21. In other words, the cryo-slammer of Linner is simply incapable of high-pressure freezing of a water-containing specimen.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 22, 2004

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5426  
Facsimile: (202) 672-5399

Glenn Law  
Attorney for Applicant  
Registration No. 34,371